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WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE

Report by the Secretariat

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 3	2
II.	COOPERATION WITH UNITED NATIONS BODIES AND SPECIALIZED AGENCIES	4 - 11	3
III.	COUNTRY RAPPORTEURS AND CONCLUDING COMMENTS	12 - 16	5
IV.	COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AND OTHER TREATY BODIES	17 - 18	6
V.	COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AND THEMATIC AND COUNTRY-SPECIFIC MECHANISMS	19 - 22	6
VI.	REPORTS TO BE CONSIDERED AT UPCOMING SESSIONS OF THE COMMITTEE	23 - 27	8
VII.	THE PRACTICE OF OTHER TREATY BODIES IN RELATION TO NON-GOVERNMENTAL ORGANIZATIONS (DECISION 15/II)	28 - 48	9

* CEDAW/C/1997/1.

I. INTRODUCTION

1. At its twelfth session, the Committee on the Elimination of Discrimination against Women decided that the Secretariat should prepare each year a report on ways and means of improving the Committee's work. The report should contain information that the Secretariat believed necessary for the discussion of the item, arising from the Secretariat's experience of the previous year, the comments made by members to the Secretariat, or developments elsewhere in the human rights regime. It should also contain a list of States parties whose reports could be considered at the subsequent session, according to geographical representation.[1] The present report addresses a number of issues based on experience from the previous year, including relations between the Committee and specialized agencies, country rapporteurs and concluding comments, the Committee and the other treaty bodies, the Committee and thematic and country-specific mechanisms and choice of reports to be considered at future sessions of the Committee.

2. With a view to consolidating material in a single report, the present report also contains an analysis of the practice of other human rights treaty bodies in receiving information from non-governmental organizations and the participation of the latter in the meetings of those bodies, as requested by the Committee at its fifteenth session in its decision 15/II.[2]

3. Subsequent to the fifteenth session of the Committee, the Secretary-General, in a letter dated 8 February 1996 to the Chairperson of the Committee, stated:

"... I have considerable sympathy with the considerations which led the Committee to propose that it should be located in Geneva and serviced by the Centre for Human Rights so as to interact more closely with other human rights treaty bodies. At the same time, I am committed to ensuring that the United Nations has a strong, unified programme for the advancement of women."

The Secretary-General pointed out that the Platform for Action adopted by the Fourth World Conference on Women[3] concluded that the substantive servicing of the Committee should be provided by the Division for the Advancement of Women. The Secretary-General expressed full appreciation for the importance of linking the work of the Committee to the mainstream of human rights activities and assured the Chairperson and other members of the Committee that renewed efforts would be made to ensure close collaboration between the Division for the Advancement of Women and the Centre for Human Rights, including with respect to exchange of information between the Committee, other human rights treaty bodies and the special rapporteurs on human rights. The present report therefore takes into consideration the decision that the servicing of the Committee will continue to be provided by the Division for the Advancement of Women.

II. COOPERATION WITH UNITED NATIONS BODIES AND SPECIALIZED AGENCIES

4. Article 22 of the Convention on the Elimination of All Forms of Discrimination against Women provides that the Committee may invite specialized agencies of the United Nations to submit reports for consideration by the Committee on the implementation of the Convention in areas falling within the scope of their activities.

5. In the light of the emphasis in the Beijing Declaration and Platform for Action on the girl child, the Committee recommended at its fifteenth session, the development of closer cooperation with the United Nations Children's Fund (UNICEF), particularly to achieve the objectives of the Convention and the Convention on the Rights of the Child.

6. At its fifteenth session, the Committee also requested the specialized agencies to continue presenting to it reports that focus on the implementation of the Convention in areas falling within the scope of their activities. The Committee welcomed, in particular, reports that refer to those of States parties currently under consideration. The Committee also welcomed the assistance and cooperation of the specialized agencies in implementing its mandate under the Convention and the Beijing Platform for Action, as well as giving effect to its general recommendations, and in the translation and wide dissemination of the Convention.

7. The Committee identified a list of subjects to which it attached priority following the Platform for Action and the relevant United Nations agencies, programmes and funds. These are cultural traditions and stereotypes (United Nations Educational, Scientific and Cultural Organization (UNESCO)); poverty and structural adjustment programmes (United Nations Development Programme (UNDP), the United Nations Development Fund for Women, the Bretton Woods institutions and the International Fund for Agricultural Development (IFAD)); violence (World Health Organization (WHO) and UNESCO); health (WHO and the United Nations Population Fund (UNFPA)); employment and migration (International Labour Organization (ILO)); power and decision-making (UNESCO and the Commission on the Status of Women); education, training and the mass media (UNESCO, ILO and the Department of Public Information of the Secretariat); rural women (Food and Agriculture Organization of the United Nations (FAO) and IFAD); and refugee women (Office of the United Nations High Commissioner for Refugees (UNHCR)). The Committee also identified the International Organization for Migration (IOM), an intergovernmental organization, in connection with employment and migration.[4]

8. Of the bodies identified, UNESCO, WHO, ILO and FAO have regularly contributed written submissions to the Committee since its inception. IFAD, UNDP, the United Nations Development Fund for Women and UNFPA, UNHCR and the Bretton Woods institutions have not, as yet, contributed reports to the Committee. Similarly, IOM has yet to contribute reports to the Committee. The Committee may wish to discuss the potential contributions to its work of the bodies that it has identified. It may wish also to reflect on how best these bodies might assist the work of the Committee, perhaps considering detailed proposals to guide them in this regard.

9. A number of specialized agencies that regularly submit reports to the Committee have already welcomed the appointment by the Committee of designated focal points responsible for links with them. As it agreed at its fifteenth session, the Committee should continue to designate one of its members to serve as a focal point for different specialized agencies and other United Nations bodies. At the same time, a number of specialized agencies have, over the past two years, requested more guidance in relation to their contributions to the Committee and, in particular, how best to assist it in its work. The Committee might wish to provide these bodies with more detailed suggestions that will facilitate more focused inputs from them. Guided input would not only assist the Committee in its constructive dialogue with reporting States parties, but could also provide information for the preparation of general recommendations. The Committee may wish to include suggestions as to length, content and focus of inputs. The Committee might also wish to consider how to provide feedback to specialized agencies and other bodies that contribute to its work.

10. The Committee might also wish to consider various ways by which specialized agencies and other United Nations entities might contribute to its work. A number of the other treaty bodies have developed practices that allow representatives of United Nations entities to participate in their sessions. At its fifty-second session, in October 1994, the Human Rights Committee, the treaty body established under the International Covenant on Civil and Political Rights, decided to invite henceforth representatives of specialized agencies and other United Nations bodies to make oral presentations at the Committee's pre-sessional working group on article 40 of the Covenant during which the Human Rights Committee conducts a preliminary review of periodic reports which are scheduled to be considered by the plenary. The Committee on the Rights of the Child meets regularly with United Nations bodies and specialized agencies. As well as submitting relevant information to the country files used by the pre-sessional working group of the Committee on the Rights of the Child,[5] representatives of United Nations bodies take part in the meetings of the working group.[6] This practice has also been adopted by the Committee on Economic, Social and Cultural Rights, which, at its fourteenth session in spring 1996 decided to invite representatives of the specialized agencies to attend the first meeting of each of its pre-sessional working groups with a view to enabling them to provide information, in private session, of a more precise and country-specific nature.[7] In order to begin this practice, it directed its secretariat to inform agencies immediately of the countries to be considered by its pre-sessional working group at the next session.

11. In revising rules of procedure, the Committee may wish to reflect on sub-rules 34(2) and 70(1) and (2) of the rules of procedure of the Committee on the Rights of the Child, which, combined with article 45 of the Convention on the Rights of the Child, give wide scope for the participation of specialized agencies and other bodies of the United Nations in the work of that Committee. This has included field level input from agencies, such as UNICEF, UNHCR, UNDP and the United Nations Development Fund for Women, whose work includes field operations.

III. COUNTRY RAPPORTEURS AND CONCLUDING COMMENTS

12. The sixteenth session of the Committee will be the fourth session at which the Committee has formulated concluding comments in respect of the reports of States parties. The practice, introduced by the Committee to make its work more accessible to government policy makers, civil servants and non-governmental organizations, is common among other human rights treaty bodies.

13. The procedures for the formulation of concluding comments are to be found in the report of the Committee's thirteenth session.[8] By its decision 15/III,[2] the Committee agreed to revise the structure of its report to be more in line with those of other treaty bodies. Dispensing with a lengthy reporting of the constructive dialogue, the Committee agreed that the presentation of States parties reports would be reflected in the report of the Committee by way of a brief summary of the presentation of the State party concerned, followed by the Committee's concluding comments and recommendations.

14. Increasingly, the Committee's concluding comments have followed the pattern of the concluding observations of the Human Rights Committee and consist of five sections: introduction, factors and difficulties affecting implementation of the Convention, positive aspects, principal subjects of concern, and suggestions and recommendations. On average, concluding comments are three to four pages in length. The Committee may wish to continue to use this format.

15. The Committee may also wish to develop guidelines for the introductory section of each concluding comment. The introduction might include comments on the nature of the State party's report and how far this report complied with the Committee's guidelines and whether statistical or other data required by the Committee featured in the report. The introduction might also be an appropriate place to address the question of reservations. Insofar as factors and difficulties affecting the implementation of the Convention, the Committee may wish to consider whether this might be the section of the comment in which overarching factors appear. In the balance of the comment, the Committee might wish to reflect on whether "positive aspects" and "principal subjects of concern" should be consistently structured to follow the order of the articles of the Convention or at least the broad subjects addressed in the Convention and decide whether specific articles of the Convention should be cited in the text of this part of the comment. Further, the Committee may wish to consider whether concluding comments relating to periodic reports should address progress that has been made since the presentation of the last report and issues that emerged during constructive dialogue relating to the earlier report which have or have not been addressed by the State party. In this way, the Committee will enhance the reporting process as a tool for progressive development in States parties.

16. The Committee is encouraged to regularize its practice of identifying individual members who have responsibility for drafting concluding comments for particular countries under consideration. One member, perhaps with another nominated as a back-up, should be identified for each report, at the session prior to which the country will be considered and this information should be made public. During the session when the report is being considered, the designated country rapporteur should be encouraged to consult informally with

other members as required when drafting comments for the adoption of the Committee as a whole.

IV. COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AND OTHER TREATY BODIES

17. In September 1996, the seventh meeting of persons chairing the human rights treaty bodies recalled the conclusions made at their sixth meeting wherein they recommended that:

> "(a) The treaty bodies shall fully integrate gender perspectives into their pre-sessional and sessional working methods, including identification of issues and preparation of questions for country reviews, general comments, general recommendations and concluding observations. In particular, the treaty bodies should consider the gender implications of each issue discussed under each of the articles of the respective instruments;
>
> "(b) Guidelines for the preparation of reports by States parties should be amended to reflect the necessity of providing specific information on the human rights of women for consideration by the respective committees;
>
> "(c) In undertaking investigative procedures, the treaty bodies should make special efforts to elicit information about the situation of women in the area of inquiry;
>
> "(d) Treaty bodies should consistently request gender-disaggregated data from States parties and United Nations specialized agencies and use the data in reviewing country reports;
>
> "(e) In preparing reports of the treaty body sessions, attention should be paid to the use of gender-inclusive language wherever possible."[9]

18. To contribute to the achievement of the goals identified by the chairpersons, the Committee should continue the practice of appointing Committee members, whose identity should be made public in the annual report, to act as liaisons with individual treaty bodies. It should also actively monitor the progress made by each treaty body towards implementation of the recommendations of the chairpersons on the steps that have been taken towards implementation, and the results of their recommendations, taking into account efforts being made by the Secretariat to mainstream gender into the human rights regime.

V. COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AND THEMATIC AND COUNTRY-SPECIFIC MECHANISMS

19. During 1996, some steps have been taken to foster coordination between the human rights special procedures system, consisting of special and thematic rapporteurs, representatives, experts and working groups and treaty bodies. At the third meeting of the special rapporteurs/representatives/experts and

chairmen of working groups of the special procedures and the advisory services programme of the Commission on Human Rights (meeting of human rights special procedures) in May 1996,[10] the chairperson of the meeting of the chairpersons of human rights treaty bodies suggested continuation of the practice of inviting that chairperson to the meeting of human rights special procedures. She also suggested that the chairman of the meeting of the special procedures should attend the chairpersons annual meeting as a matter of course.[11] At the meeting of human rights special procedures it was regretted that greater coordination between the treaty bodies and the special procedures had not occurred and agreed to move in that direction. Similar sentiments were expressed during the seventh chairperson's meeting, which was addressed by the chairperson of the third meeting of special procedures. The chairpersons recommended that, where appropriate, the treaty bodies should take a more active role in supporting, suggesting topics for, and cooperating in the preparation of studies by the Subcommission on Prevention of Discrimination and Protection of Minorities, as well as by special rapporteurs and other experts appointed by the Commission on Human Rights. They also recommended that "special rapporteurs and other experts whose work is of direct relevance to the activities of a particular treaty body could schedule their visits to the United Nations in connection with the meeting of the treaty bodies concerned in order to have direct cooperation on issues of mutual concern".[12]

20. In the light of the recommendations of the meeting of the persons chairing human rights treaty bodies, the Committee may wish to reflect on ways that coordination in its work and that of the special procedures might be achieved. Like the Committee on Economic, Social and Cultural Rights at its fourteenth session, the Committee may wish to suggest that the United Nations High Commissioner for Human Rights invite the Committee to nominate one of its members to participate in the next meeting of the special procedures. The Committee on Economic, Social and Cultural Rights felt that it would be very useful on both sides if a discussion could take place as to the most appropriate and productive means by which economic, social and cultural rights could be reflected in the work of the different mechanisms. It considered that the best way to achieving greater interaction and better understanding was in the context of the regular meeting of special rapporteurs and thematic mechanisms.

21. As the Committee will be aware, that meeting brings together thematic and country rapporteurs of the Commission on Human Rights, other experts appointed by that Commission, working groups and rapporteurs of the Subcommission on the Prevention of Discrimination and Protection of Minorities. A number of these have mandates that involve consideration of issues that are of concern to the Committee. They include, for example, the special rapporteurs on torture and other cruel inhuman or degrading treatment, internally displaced persons, religious intolerance and sale of children, child prostitution and child pornography. The Committee might like to consider, in advance of the meeting, the specific procedures that are especially relevant to its work and means of achieving cooperation between the Committee and those procedures, as well as the concrete advantages to be gained from such cooperation.

22. Particular efforts are required to ensure that the work of the Committee and that of the Special Rapporteur on violence against women, its causes and consequences is coordinated and mutually enhancing. The United Nations High

Commissioner for Human Rights has been requested by the Committee, as a matter of priority, to facilitate the presence of the Special Rapporteur on violence against women at all sessions of the Committee. The Committee might consider setting aside specific time in its agenda well in advance when it could discuss matters of mutual concern with the Special Rapporteur. Such issues might include the implementation of the Committee's general recommendation 19. The High Commissioner might again be requested to facilitate the participation of individual Committee members in the country missions of the rapporteur. The Special Rapporteur on violence against women might consider informing the Committee well in advance of her plans for missions. She might also be encouraged to invite individual members of the Committee to participate in missions as appropriate. This might be particularly useful where the Rapporteur's mission is to the home countries or countries of residence of Committee members.

VI. REPORTS TO BE CONSIDERED AT UPCOMING SESSIONS OF THE COMMITTEE

23. Currently, the reports of 32 States parties are awaiting consideration by the Committee. Of these, 13 have been translated, including 4 initial reports, 1 combined initial, second and third report, 1 second report, 3 combined second and third reports, and 4 third reports. At its eleventh session, the Committee agreed that the reports would be selected for consideration on the basis of the date on which they had been received. At subsequent sessions, the Committee added the consideration of geographical balance.

24. The Committee may wish to consider selecting at least 10 of the translated reports for review at its July session, retaining the balance as reserve. The Committee should also consider identifying reports to be considered at its eighteenth and nineteenth sessions on the basis of order of receipt and availability. One member of the Committee has suggested that those States parties selected for consideration for the seventeenth session should be notified immediately after the sixteenth session. At this time, it should be determined when the next periodic report of each of these States parties is due. In the event that the date has passed or that the date will occur within the next 12 months, then the Secretariat, at the request of the Committee, should invite the State party to submit its next periodic report within 8 months of the Committee's decision. This would allow the Committee to have available for consideration the most current information relating to the implementation of the Convention in that State party and would, at the same time, allow the State party to be fully on schedule with regard to its reporting obligations. In addition, this would provide the Committee with written information that would relieve the State party of the burden of presenting a lengthy oral update during the reporting session.

25. As the Committee may wish to recall, the question of consideration of periodic reports is currently being reviewed by the Committee on Economic, Social and Cultural Rights. It is considering a proposal that involves the maintenance of comprehensive initial reports by States parties, but the elimination of subsequent comprehensive periodic reports which, like periodic reports under the Convention on the Elimination of All Forms of Discrimination

against Women, have been required to address all of the issues identified in the Committee's reporting guidelines. In place of these periodic reports, the pre-sessional working group of the Committee on Economic, Social and Cultural Rights would, on the basis of all available sources of information, identify a limited number of specific issues in relation to which a report would be requested from the State party concerned. The Committee would then conduct its dialogue on the basis of that detailed report. Among the advantages would be a reduction in the burden imposed on States parties, a much clearer focus for the dialogue between the Committee on Economic, Social and Cultural Rights and States parties, with capacity to focus in greater depth upon issues of particular interest or concern.

26. The current practice of the Committee on Economic, Social and Cultural Rights is to hold its pre-session working group at the end of the previous session at which the State party's report will be considered. The same practice applies to the Committee on the Rights of the Child. As the Committee on the Rights of the Child points out in its overview of the reporting procedures,[14] the principal purpose of the working group is to identify in advance the most important issues to be discussed with the representatives of States. The intent is to give advance notice to the States parties of the principal issues that might arise in the examination of their reports. The possibility for government representatives to prepare in advance their answers to some of the principal questions is likely to make the discussion more constructive.

27. With the regularization of the second annual session of the Committee on the Elimination of Discrimination against Women, it should be possible for the Committee to move towards a similar pattern for its sessions. This would allow the Committee to develop further reporting methods and the conduct of constructive dialogue. It would also provide States parties with a more structured framework in which to address particular issues that pose the greatest challenges to implementation of the Convention. A pattern of sessions along the lines suggested (i.e., with the pre-session being held at the prior session) could also contribute to greater and more focused inputs from specialized agencies and non-governmental organizations.

VII. THE PRACTICE OF OTHER TREATY BODIES IN RELATION TO NON-GOVERNMENTAL ORGANIZATIONS (DECISION 15/II)

28. The World Conference on Human Rights in 1993 recognized the important role played by non-governmental organizations in the effective implementation of all human rights instruments.[15] In its resolution 1996/22 of 19 April 1996, the Commission on Human Rights once again recognized the key role played by non-governmental organizations in the effective implementation of all human rights instruments and encouraged the exchange of reliable information between treaty bodies and such organizations.

29. Moreover, the meeting of the persons chairing United Nations human rights treaty bodies has consistently underlined the important function that non-governmental organizations have in the work of these bodies. At their sixth meeting in 1995, the chairpersons stressed the central role that non-governmental organizations have in providing information necessary for the

conduct of the activities of the treaty bodies and recommended that the Secretariat of the United Nations facilitate exchange of information between treaty bodies and such organizations. The Centre for Human Rights was requested to develop a database of national institutions for the promotion and protection of human rights and of nationally based non-governmental organizations that should be informed of the scheduled consideration of any of the reports of individual countries by the treaty bodies.[16] The Centre has been developing the database and has begun the practice of providing a number of international non-governmental organizations, on a regular basis, with (a) the schedule of forthcoming meetings of human rights treaty bodies and of the States parties reports programmed for consideration during those meetings (which are issued in May and November); (b) when appropriate, copies of the lists of issues treaty bodies address to the States parties before considering their reports; and (c) the provisional agenda and annotations for each session of the treaty bodies.[17] International non-governmental organizations have, in turn, been invited to circulate this information among national and local organizations. The Division for the Advancement of Women, in working closely with the Centre, has suggested that information on the Committee regularly be incorporated in this dissemination.

30. The issue of the participation of non-governmental organizations in the work of the treaty bodies was again taken up, in the presence of a number of non-governmental organizations, by the seventh meeting of the persons chairing the treaty bodies which was held in September 1996.[18] The vital role of non-governmental organizations in supplying the treaty bodies with documentation and other information on human rights developments was affirmed and each treaty body was encouraged to consider how best to monitor and facilitate this role. Non-governmental organizations were encouraged to continue to take an active role in critically examining the work of the treaty bodies so that more effective performance by treaty bodies as a whole, as well as by individual experts, could be achieved. The meeting agreed that non-governmental organizations would continue to be entitled to participate in the chairpersons' meeting at appropriate points during the meeting and would also be granted a specific opportunity to present their views. The meeting further recommended that chairpersons of treaty bodies should invite non-governmental organizations to attend the press conference which is usually held at the end of each session, although non-governmental organizations would not participate in the dialogue between journalists and the members of the treaty bodies. Individual treaty bodies were also encouraged to consider, in addition to a press conference, a separate non-governmental organization briefing at the end of their sessions. The chairpersons also requested each treaty body to make available to the public the addresses of their members to facilitate communication between treaty body experts and non-governmental organizations.

31. The approach towards non-governmental organization participation in the work of the treaty bodies manifested by the meeting of the persons chairing those bodies is reflected to a certain extent in the practices of individual treaty bodies, although practices differ markedly. The independent expert on long-term approaches to enhancing the effective operation of the treaty bodies designated in paragraph 2 of General Assembly resolution 47/111 of 16 December 1992 suggested in his interim report that there was a need for each treaty body to develop a more open, rational, transparent and balanced approach

to dealing with information from non-governmental organizations.[19] The independent expert suggests that it is inappropriate to incorporate non-governmental organizations as full participants in the actual dialogue between the treaty bodies and States parties as this could be unnecessarily "acrimonious" and unproductive of constructive dialogue.[20] He has suggested that the principal options for treaty bodies were:

(a) Providing an opportunity at the beginning of each Committee session for groups to present any information of direct relevance;

(b) Limiting such an opportunity to the Committee's pre-sessional working group;

(c) Scheduling informal sessions, without summary records and with only essential interpretation, outside the Committee's regular meetings.[21]

32. Current practices of individual treaty bodies with respect to non-governmental organization participation differ, with the Committee against Torture and the Committee on the Elimination of Racial Discrimination retaining only informal links with non-governmental organizations, while those treaty bodies which have adopted more formal links with non-governmental organizations have, in essence, taken the approaches outlined in options (b) and (c) of the independent expert's suggestions. His option (a) has been adopted by the Committee on Economic, Social and Cultural Rights to a certain extent. Variants of option (b) have been adopted by the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child and are now being pursued by the Human Rights Committee. Option (c) which has been pursued to some degree by all the Geneva-based treaty bodies has been described by the independent expert as having a number of strengths and he has outlined how it could be implemented in practice:

> "If there were very few groups wanting to place their views before the Committee a single informal session could be held at the beginning of the Committee's session. Thus, for example, the Monday afternoon of the first week could be set aside for that purpose. Alternatively, one hour meetings might be scheduled in relation to an individual country report, at either 9 a.m. or 2 p.m. the day before the country is scheduled to report. Such meetings could be open to all concerned groups and individuals and to all interested Committee members. At the very least the Committee could ask one of its members to report back to it, perhaps informally, on the outcome of such a session."[22]

33. What follows reviews the practice of each treaty body with respect to non-governmental organizations. It makes suggestions with regard to how the Committee may wish to proceed in strengthening its relations with non-governmental organizations so as to benefit its work and to enhance the potential of the Convention to eliminate gender-based discrimination.

A. Committee against Torture

34. The Committee against Torture, like the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, has developed the practice of inviting, generally two months before the Committee's sessions, those non-governmental organizations that closely follow the activities of the Committee, to submit information concerning States parties whose reports have been scheduled for consideration.[23] The working relationship of such non-governmental organizations with the Committee against Torture has been facilitated by rule 62, paragraph 1, of the Committee's rules of procedure[24] which entitles the Committee to invite, inter alia, non-governmental organizations in consultative status with the Economic and Social Council to submit to it information, documentation and written statements, as appropriate, relevant to the Committee's activities under the Convention. Further, any non-governmental organization may submit material to any member of the Committee who may choose to use it or not in the course of carrying out that individual member's functions under the Convention. In this way, non-governmental organization source material, together with that of the State party becomes part of the collective information upon which the Committee relies. However, the links with non-governmental organizations and the Committee are informal and the Committee against Torture does not meet with them in any formal way.

B. Committee on the Elimination of Racial Discrimination and non-governmental organizations

35. Coordination of non-governmental organization information and input into the work of the Committee on the Elimination of Racial Discrimination is facilitated by the Anti-Racism Information Service (ARIS) a non-governmental organization that also disseminates United Nations documents, reports and observations. During the course of its forty-sixth session, in March 1995, the Committee convened a meeting of non-governmental organizations on the work of the Committee outside its regular meeting time that was attended by representatives of 20 non-governmental organizations and three members of the Committee.

C. Human Rights Committee

36. For a number of years, the Human Rights Committee, the monitoring body established under the International Covenant on Civil and Political Rights, has received information supplied by non-governmental organizations, both through the Secretariat and independently. Further, during the 1990s the practice has developed of non-governmental organizations briefing the Human Rights Committee informally in sessions outside the scheduled meetings of the Committee. These briefing sessions, which occur at the request of individual non-governmental organizations, are facilitated by the Centre for Human Rights, which arranges the time and place for the briefing. The briefing is organized by the individual non-governmental organization, although a representative of the Centre attends the briefing, but only as a facilitator. The sessions can take place in the meeting room of the Committee, at another location on United Nations premises or elsewhere. The informal briefing sessions are closed and

attendance is at the invitation of the organizing non-governmental organization. It is unusual for the non-governmental organization to invite government delegations, but invitations to relevant delegations have sometimes been made and they have attended.[25] This practice of informal briefing of the Human Rights Committee by non-governmental organizations has proved successful and as the option to request a briefing session has become more known in the non-governmental organization community, up to four briefings by non-governmental organizations have been organized at the time of the sessions of the Committee. The resulting demands on the Committee members' time has been addressed to some extent by the practice of encouraging non-governmental organizations to consolidate their briefings. The Centre for Human Rights does not arrange for the reproduction or translation of documents that non-governmental organizations give to the Human Rights Committee either at briefing sessions or during their formal meetings.

37. At its fifty-third session, in October 1996, the Human Rights Committee experimented with a new model of non-governmental organization input into its work, inviting, for the first time, selected non-governmental organizations to attend one meeting of the closed working group of the Committee for the purpose of briefing experts on the list of issues arising out of reports of States parties that the Committee draws up during the working group. Government delegations were informed of the new practice, but they were not invited to attend. Invitations to participate were issued by the non-governmental organizations taking part in the briefing; thus, on a future occasion Governments might be invited and attend. As in the case of the informal briefings, the Centre for Human Rights was not in a position to arrange for reproduction or translation of non-governmental organization documentation. It is to be noted that the new practice is experimental and requires assessment. Early reactions have pointed to the fact that the working group meets two weeks prior to the consideration of States parties' reports and that non-governmental organizations may be reluctant to deploy scarce resources at this time, when they consider their input might be more effective at the time of consideration of reports.

D. Committee on Economic, Social and Cultural Rights

38. In May 1993, the Committee on Economic, Social and Cultural Rights adopted a new procedure relating to the participation of non-governmental organizations in the Committee's activities. Non-governmental organizations are encouraged to provide written information to the Committee and have been given the opportunity to present it with information that is reliable, relevant and focused on the provisions of the Covenant and/or country situations to the Committee both during its pre-sessional working group and at the beginning of each of its sessions. The oral contributions of non-governmental organizations, which are heard by the Committee during the first meeting of the session, are referred to in the proceedings of the Committee, but are formally incorporated in the Committee's proceedings and do not appear as part of the summary record and the report of the session. Further, at its fourteenth session in 1996, the Committee on Economic, Social and Cultural Rights agreed to invite non-governmental organizations to attend the second meeting of its working group and requested that the Secretariat notify non-governmental organizations as

widely as possible of this opportunity. The Committee also recalled its earlier request that the Secretariat send copies of reports pending consideration to a range of national non-governmental organizations in each of the States parties whose reports were pending consideration. It further requested the Secretariat to provide the Chairperson with a list of non-governmental organizations to which the reports had been sent and to do so at least two months prior to each session.[24] The Committee on Economic, Social and Cultural Rights has expressed the view that closer cooperation should be established between non-governmental organizations dealing with development and those involved in the field of human rights. It has envisaged a non-governmental organization coordinating body, similar to that which exists in the context of the Committee on the Rights of the Child, whose functions could include coordinating activities relating to economic, social and cultural rights with actors outside the United Nations and assisting the Committee on Economic, Social and Cultural Rights in its treaty monitoring.[25]

E. Committee on the Rights of the Child

39. Article 45 of the Convention on the Rights of the Child provides that specialized agencies, UNICEF and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the Convention as fall within the scope of their mandate. The Committee is also empowered to invite the specialized agencies, UNICEF and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The capacity for the Committee to invite "other competent bodies as it may consider appropriate" to provide advice on the Convention's implementation, combined with rules 34(2) and 70(2)[27] of the rules of procedure of the Committee, has been interpreted in such a way as to allow the Committee on the Rights of the Child to establish an active role for a number of non-governmental organizations in the conduct of its work.

40. Questions concerning States parties reports are prepared by the Committee on the Rights of the Child during a pre-sessional working group which meets at the end of the prior session of the Committee.[28] Country files, containing information relevant to each of the reports to be examined, are prepared by the Secretariat, and the Committee has encouraged non-governmental organizations to submit appropriate documentation to the Secretariat for inclusion in these files. Some of this information becomes part of the "country analysis" document that the Secretariat prepares, while other information is placed in files that are available to Committee members during sessions.[29] The working group may choose to invite representatives of non-governmental organizations to attend the meeting and give advice.[30]

41. The provisions of the Convention on the Rights of the Child and the practice of the Committee on the Rights of the Child has encouraged non-governmental organizations interested in children's rights to establish a non-governmental organization group for the Convention on the Rights of the Child. The Group brings together 37 international non-governmental organizations[31] that are involved, directly or indirectly, in the implementation

of the Convention. The Group was originally formed in 1983 as the Informal Ad Hoc NGO Group for the Drafting of the Convention on the Rights of the Child.[32]

42. One of the principal tasks of the Group is to facilitate the flow of information between the Committee on the Rights of the Child and the national and international non-governmental organization community. In order to maximize this contact, the Group appointed a Coordinator, now known as the Committee on the Rights of the Child/non-governmental organization liaison officer. The revised terms of reference of the liaison officer indicate that the role of the officer is to enhance cooperation and interaction between the global non-governmental organization community and the Committee on the Rights of the Child. Five of the officer's eight main tasks focus on facilitating contact between the non-governmental organization community and the Committee on the Rights of the Child and its secretariat and emphasize the importance of securing all relevant information for the reporting process.[33] Under the direction of the officer, the Group promotes the preparation of alternative, complementary or supplementary reports by non-governmental organizations[34] that can assist the Committee in constructive dialogue with States parties. To facilitate this, the Group has prepared a guide for non-governmental organizations reporting to the Committee on the Rights of the Child, which provides information on the reporting procedure and the participation of non-governmental organizations in this process. Based on written information provided in advance by non-governmental organizations, the Committee may invite non-governmental organizations to participate in its pre-sessional working group in order to provide it with information related to specific aspects of the implementation of the Convention in those States parties which are scheduled to report to the Committee. The Group may provide limited funding in order to allow one representative from each country who has been invited by the Committee to participate in the working group to travel to Geneva for this purpose.[35] To facilitate this and to enhance the credibility of non-governmental organization input into the reporting process, the Group promotes the creation and development of broad-based and representative national coalitions of non-governmental organizations working with children.[36]

F. Committee on the Elimination of Discrimination against Women

43. Since its establishment, the Committee on the Elimination of Discrimination against Women has enjoyed strong support from both international and national non-governmental organizations. A number of non-governmental organizations have voluntarily provided Committee members, both individually and collectively, with information for the consideration of States parties reports and for other purposes. The International Women's Rights Action Watch, which was established at the non-governmental organization forum of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi in 1985 specifically to monitor the work of the Committee, has sought to provide country-specific information to the Committee on a regular basis and, in cooperation with the Commonwealth Secretariat, has prepared a guide for non-governmental organizations on reporting under the Convention.[37] Other international and national non-governmental organizations from a number of countries have also contributed information. Non-governmental organization input has also focused on the

formulation of general recommendations, with the International League for Human Rights and International Women's Rights Action Watch having contributed to the preparation of general recommendation 19. The International Human Rights Law Group and other non-governmental organizations co-hosted the meeting which developed the Maastricht draft optional protocol for the Convention, which is the basis of the Committee's suggestion No. 7 and have also focused their attention on the working methods of the Committee and hosted general and specific briefings for Committee members. For example, in 1996, the International Women's Rights Action Watch in collaboration with the Jacob Blaustein Institute for the Advancement of Human Rights and the United Nations Development Fund for Women, hosted a one-day colloquium with the Committee, which focused on working methods of the Committee.

44. The Committee may now wish to formalize and develop the fruitful relationship that it already has with non-governmental organizations. In this regard, the Committee's current rules of procedure do not provide for non-governmental organization participation in the Committee's sessions. The Committee may wish to consider whether in the context of the revision of its rules of procedure it might wish to formulate a general rule which might allow for more formalized participation. In this regard, the Committee might wish to consider both sub-rules 34(2) and 70(2) of the provisional rules of procedure of the Committee on the Rights of the Child.[27] Both sub-rules subject participation of non-governmental organizations to the discretion of the Committee. Insertion of a rule or rules similar to those of the Committee on the Rights of the Child would enable the Committee to take positive steps to allow formalized non-governmental organization participation.

45. Two models of non-governmental organization participation, drawn from the experience of other treaty bodies, might be considered by the Committee. First, the Committee might decide to make itself available for non-governmental organization briefings, which would be facilitated by the Secretariat, outside the Committee's formal meetings. It might decide to identify time prior to its meeting, between meetings or after meetings when it could exchange views with non-governmental organizations. The Committee could also consider whether non-governmental organizations might be invited to participate in its pre-session working group and again exchange views. Either model could be introduced on an experimental basis over a number of sessions. The experience might then be evaluated and future approaches determined on the basis of such evaluation.

46. The issue of non-governmental organization participation in the work of the Committee is not confined to developing a modus operandi to allow non-governmental organizations to make informal or formal presentations to the Committee, but may also include the question of whether the Committee should produce guidelines or suggestions for non-governmental organizations concerning the form, content and manner of submissions and input to the Committee for its consideration in the context of States parties reports. Current non-governmental organization submissions to the Committee and experts individually take many forms and the Committee might care to make suggestions as to the form and content and channelling of submissions that it finds most helpful.

47. It is to be noted that some treaty bodies have also provided opportunities for non-governmental organizations to contribute to the development of the jurisprudence of their Committee. For example, during its sessions, the Committee on Economic, Social and Cultural Rights, like the Committee on the Rights of the Child, holds discussion days during which the content of rights in the Covenant or themes cross-cutting the Covenant are elaborated. The practice of the Committee on Economic, Social and Cultural Rights is to incorporate non-governmental organizations in these discussions.[18] As informal non-governmental organization input has already been incorporated by the Committee on the Elimination of Discrimination against Women in its formulation of general recommendations, the Committee may wish to consider the practice of the Committee on Economic, Social and Cultural Rights of providing for a day or half day of general discussion, during which non-governmental organizations might intervene. Again, this could be introduced on an experimental basis and future approaches determined on the basis of evaluation.

48. It is important that non-governmental organizations be made aware of the Convention and the Committee and its work and be encouraged to assist it in all appropriate ways. This raises the question of the Secretariat's role in facilitating non-governmental organization input into the work of the Committee. It has already been noted that the Committee on Economic, Social and Cultural Rights has directed its secretariat to notify non-governmental organizations of the growing opportunities that exist for non-governmental organization contribution during sessions of the Committee and to send copies of reports pending consideration to a range of national non-governmental organizations in the countries concerned. The secretariat of the Committee on Economic, Social and Cultural Rights has also been requested to provide the Chairperson with a list of those non-governmental organizations to which pending reports have been sent at least two months prior to each session. If the Committee decides to establish a more structured approach to non-governmental organization input, it would be possible for non-governmental organizations from reporting countries who were accredited to the Fourth World Conference on Women to be notified. Moreover, the Division for the Advancement of Women can use its internet sites to inform non-governmental organizations and to upload country reports available in electronic format. Alternatively, or in addition, other non-governmental organizations listed in the Centre for Human Rights database, from reporting countries could also be informed and receive copies of reports. A non-governmental organization group following the model of the NGO Group for the Convention on the Rights of the Child could be achieved if the International Women's Rights Action Watch and/or other non-governmental organizations were in a position to consolidate such a group and assume some of the same functions that the NGO Group performs with respect to the Committee on the Rights of the Child. Preferred options, once identified by the Committee, will need to be reviewed by the Secretariat to determine feasibility given existing human and financial resources.

Notes

[1] Official Records of the General Assembly, Forty-eighth Session, Supplement No. 38 (A/48/38), para. 632.

[2] Ibid., Fifty-first Session, Supplement No.38 (A/51/38), chap. I, sect. A.

[3] A/CONF.177/20, chap. I, resolution 1, annex II.

[4] Official Records of the General Assembly, Fifty-first Session, Supplement No. 38 (A/51/38), para. 340.

[5] CRC/C/33, para. 9.

[6] Ibid., para. 11.

[7] HRI/MC/1996/2.

[8] Official Records of the General Assembly, Forty-ninth Session, Supplement No. 38 (A/49/38), paras. 813-816 of which state:

"813. At the outset of each session, the Chairperson should designate, for each report, two members of the Committee to draft concluding comments to be considered for adoption by the Committee. To the extent possible, at least one of those rapporteurs should be from the region of the reporting State. For second and subsequent reports, they should consult with the members of the pre-session working group.

"814. The comments should cover the most important points raised during the constructive dialogue, emphasizing both positive aspects of the reports and matters on which the Committee had expressed concern, and should clearly indicate what the Committee wished the State party to report on in its next report. The comments should be concise. For second and subsequent reports, the comments should take into account the findings of the pre-session working group as well as the constructive dialogue.

"815. The drafts should be considered in closed meetings of the Committee scheduled periodically during the session, but at least one per week.

"816. Once agreed, the concluding comments would be incorporated into the Committee's report on the consideration of the State party's report."

[9] A/51/482, annex, para. 58.

[10] E/CN.4/1997/3.

[11] Ibid., para. 40.

[12] A/51/482, annex, para. 53.

[13] Australia, third; Antigua and Barbuda, initial, second and third; Armenia, first; Argentina, second; Bangladesh, third; Bulgaria, second and third; Croatia, initial; Dominican Republic, second and third; Equatorial Guinea, second and third; Israel, first; Mexico, third; Republic of Korea, third; Zaire, initial.

[14] CRC/C/33, para. 8

[15] A/CONF.157/24 (Part I), chap. III, para. 52.

[16] A/50/505, annex, para. 23.

[17] HRI/MC/1996/2, para. 69.

[18] A/51/482, annex, paras. 35-39.

[19] Interim report on an updated study by Mr. Philip Alston (A/CONF.157/PC/62/Add.11/Rev.1), annex.

[20] Ibid., para. 232.

[21] Ibid., para. 234.

[22] Ibid., para. 235.

[23] HRI/MC/1996/2, para. 67.

[24] CAT/C/3/Rev.10.

[25] HRI/MC/1996/2, para. 65.

[26] Ibid., para. 66.

[27] CRC/C/4:

(a) Rule 34(2). Representatives of other competent bodies concerned, which are not included among those in paragraph 1 of this rule, may participate in public or private meetings of the Committee or its subsidiary bodies, when invited by the Committee to do so.

(b) Rule 70(2). The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies, as it may consider appropriate to provide it with expert advice, pursuant to article 45, subparagraph (a), of the Convention, in the implementation of the Convention in areas falling within their respective mandates.

[28] CRC/C/33, para. 7.

[29] Ibid., para. 9.

[30] Ibid., para. 11.

[31] See NGO Group for the Convention on the Rights of the Child, p. 2. The list of members of the Group is published on p. 4 of this factsheet.

[32] Laura Theytaz-Bergman, "NGO Group for the Convention on the Rights of the Child", in E. Verhellen (ed.), Monitoring Children's Rights (Kluwer International, 1996), pp. 537 and 538.

[33] Revised terms of reference for the Coordinator approved by the Group, 6 and 7 April 1995.

[34] Theytaz-Bergman, op. cit., pp. 538 and 539.

[35] Theytaz-Bergman, op. cit., p. 539.

[36] Theytaz-Bergman, op. cit., p. 540.

[37] Jane Connors and Andrew Byrnes, Assessing the Status of Women: A Guide to Reporting under the Convention on the Elimination of All Forms of Discrimination against Women, Commonwealth Secretariat and the International Women's Rights Action Watch, 1995.

[38] See E/C.12/1993/SR.42 for the discussion on the minimum core content and non-discrimination dimensions in the right to health in which numerous non-governmental organizations took part.